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Attorneys for Defendants

[Additional counsel listed below]

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

MARLON H. CRYER, individually and on  
behalf of a class of all others similarly situated,  
and on behalf of the Franklin Templeton 401(k)  
Retirement Plan,

Plaintiffs,

v.

FRANKLIN RESOURCES, INC., the Franklin  
Templeton 401(k) Retirement Plan Investment  
Committee, and DOES 1-25,

Defendants.

**Lead Case No. 4:16-cv-04265-CW**  
[Consolidated with Case No. 4:17-cv-  
06409-CW]

**NOTICE OF SETTLEMENT AND  
JOINT STIPULATION AND  
ORDER TO STAY  
PRE-TRIAL AND TRIAL  
DEADLINES**

Judge: Hon. Claudia Wilken  
Trial Date: January 14, 2019  
Time: 8:30am  
Courtroom: 6, Second Floor

Pursuant to Rules 6-1, 6-2, 7-12, and 40-1 of the Civil Local Rules of the United States District Court for the Northern District of California, Plaintiffs and Defendants file this Notice of Settlement and Joint Stipulation to Stay Pre-Trial and Trial Deadlines in the above-captioned case for sixty (60) days. This filing is made with respect to the following facts and recitals:

WHEREAS, the parties have reached an agreement in principle to settle this case;

WHEREAS, Plaintiffs anticipate needing 60 days to file a motion for preliminary approval;

WHEREAS, the current pre-trial and trial deadlines are as follows:

Case Activity	Deadline
Filing of Final Pretrial Conference Statement; Exhibit Lists and Objections; Pre-Marked Exhibits; Witness Lists; Trial Briefs; Proposed Findings of Fact and Conclusions of Law	December 4, 2018
Final Pre-Trial Conference	December 18, 2018
Offer of Judgment	December 31, 2018
Trial	January 14, 2019

WHEREAS, the parties have conferred and agreed, subject to the Court's approval, to stay all current pre-trial and trial deadlines for 60 days;

WHEREAS, staying all current pre-trial and trial deadlines would avoid potentially unnecessary expenses and fees while the parties finalize their settlement and prepare a motion for preliminary approval;

NOW, THEREFORE, by and through the undersigned counsel, the parties stipulate and agree, subject to the Court's approval, that all current pre-trial and trial deadlines should be stayed for 60 days.

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1 IT IS SO STIPULATED.  
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3 Dated: December 6, 2018

BRIAN D. BOYLE  
CATALINA J. VERGARA  
O'MELVENY & MYERS LLP

6 By: /s/ Catalina J. Vergara

7 Catalina J. Vergara

8 Attorneys for Defendants

9 Dated: December 6, 2018

10 JOSEPH A. CREITZ  
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11 MARK P. KINDALL  
12 ROBERT A. IZARD  
13 IZARD KINDALL & RAABE LLP

14 GREGORY Y. PORTER  
15 MARK G. BOYKO  
16 BAILEY & GLASSER

17 By: /s/ Gregory Y. Porter

18 Gregory Y. Porter

19 Attorneys for Defendants  
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**ATTESTATION OF FILING**

Pursuant to General Order No. 45, Section X(B) regarding signatures, I, Catalina J. Vergara, hereby attest that concurrence in the filing of this Notice of Settlement and Joint Stipulation to Stay Pre-Trial and Trial Deadlines has been obtained from Gregory Y. Porter with conformed signatures above.

Dated: December 6, 2018

By: /s/ Catalina J. Vergara

Catalina J. Vergara

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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December 7, 2018



Honorable Claudia Wilken  
United States District Judge